

113TH CONGRESS  
1ST SESSION

# H. R. 1636

To amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2013

Mrs. DAVIS of California (for herself, Mr. HASTINGS of Florida, Mr. MORAN, Mr. LARSON of Connecticut, and Mr. BRADY of Pennsylvania) introduced the following bill; which was referred to the Committee on House Administration

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## A BILL

To amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Federal Election Integ-

5       rity Act of 2013”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

1           (1) chief State election administration officials  
2 have served on political campaigns for Federal can-  
3 didates whose elections those officials will supervise;

4           (2) such partisan activity by the chief State  
5 election administration official, an individual  
6 charged with certifying the validity of an election,  
7 represents a fundamental conflict of interest that  
8 may prevent the official from ensuring a fair and ac-  
9 curate election;

10          (3) this conflict impedes the legal duty of chief  
11 State election administration officials to supervise  
12 Federal elections, undermines the integrity of Fed-  
13 eral elections, and diminishes the people's confidence  
14 in our electoral system by casting doubt on the re-  
15 sults of Federal elections;

16          (4) the Supreme Court has long recognized that  
17 Congress's power to regulate Congressional elections  
18 under Article I, Section 4, Clause 1 of the Constitu-  
19 tion is both plenary and powerful; and

20          (5) the Supreme Court and numerous appellate  
21 courts have recognized that the broad power given to  
22 Congress over Congressional elections extends to  
23 Presidential elections.

1 **SEC. 3. PROHIBITION ON CAMPAIGN ACTIVITIES BY CHIEF**  
2 **STATE ELECTION ADMINISTRATION OFFI-**  
3 **CIALS.**

4 (a) IN GENERAL.—Title III of the Federal Election  
5 Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended  
6 by inserting after section 319 the following new section:

7 “CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION  
8 ADMINISTRATION OFFICIALS

9 “SEC. 319A. (a) PROHIBITION.—It shall be unlawful  
10 for a chief State election administration official to take  
11 an active part in political management or in a political  
12 campaign with respect to any election for Federal office  
13 over which such official has supervisory authority.

14 “(b) CHIEF STATE ELECTION ADMINISTRATION OF-  
15 FICIAL.—The term ‘chief State election administration of-  
16 ficial’ means the highest State official with responsibility  
17 for the administration of Federal elections under State  
18 law.

19 “(c) ACTIVE PART IN POLITICAL MANAGEMENT OR  
20 IN A POLITICAL CAMPAIGN.—The term ‘active part in po-  
21 litical management or in a political campaign’ means—

22 “(1) serving as a member of an authorized com-  
23 mittee of a candidate for Federal office;

24 “(2) the use of official authority or influence  
25 for the purpose of interfering with or affecting the  
26 result of an election for Federal office;

1           “(3) the solicitation, acceptance, or receipt of a  
2           contribution from any person on behalf of a can-  
3           didate for Federal office; and

4           “(4) any other act which would be prohibited  
5           under paragraph (2) or (3) of section 7323(b) of  
6           title 5, United States Code, if taken by an individual  
7           to whom such paragraph applies (other than any  
8           prohibition on running for public office).

9           “(d) EXCEPTION FOR CAMPAIGNS OF OFFICIAL OR  
10 IMMEDIATE FAMILY MEMBERS.—

11           “(1) IN GENERAL.—This section does not apply  
12           to a chief State election administration official with  
13           respect to an election for Federal office in which the  
14           official or an immediate family member of the offi-  
15           cial is a candidate.

16           “(2) IMMEDIATE FAMILY MEMBER DEFINED.—  
17           In paragraph (1), the term ‘immediate family mem-  
18           ber’ means, with respect to a candidate, a father,  
19           mother, son, daughter, brother, sister, husband,  
20           wife, father-in-law, or mother-in-law.”.

21           (b) EFFECTIVE DATE.—The amendments made by  
22           subsection (a) shall apply with respect to elections for  
23           Federal office held after December 2013.

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